

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

CITY OF SOUTH BEND, BY ITS CORPORATION COUNSEL ALADEAN
DEROSE

Plaintiff

v.

UNITED STATES OF AMERICA, ET AL.

Defendant

Civil Action No.

3:12CV 475

Summons in a Civil Action

To: (Defendant's name and address)

South Bend Common Council
c/o President Derek Dieter
227 West Jefferson Blvd., Suite 400S
South Bend, IN 46601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Edward A. Sullivan, II (17577-71) / J.P. Hanlon (21230-71), FAEGRE BAKER DANIELS LLP, 202 South Michigan Street, Suite 1400, South Bend, IN 46601

Aladean DeRose (4495-71), City Attorney, 227 West Jefferson Blvd., Suite 1400, South Bend, IN 46601

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

8/30/2012

Robert N. Iyovich

Name of clerk of court

[Signature]

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Derek Dieter,
by:

(1) personally delivering a copy of each to the individual at this place, _____;
_____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____;

(4) returning the summons unexecuted to the court clerk on _____; or

(5) other (specify) Mr. Dieter was not available at the time
of delivery. K. Fowler accepted on his behalf.
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: 08-30-2012

Christopher D. Remley
Server's signature
Christopher D. Remley
Printed name and title

202 S. Michigan St., Suite 1400
Server's address
South Bend, IN 46601